



NOTICE OF SPECIAL MEETING
PLANNING AND ZONING COMMISSION
6:00 P.M. – November 30, 2021

30360 Cougar Bend, Bulverde, TX 78163

MEETING AGENDA

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

2) REGULAR AGENDA ITEMS

- A. VR-21-12: Consider a request by Hillside Fellowship Church for a variance to Section 17.04.003, related to Cuts, and Section 17.04.004, related to Fills, of the City of Bulverde Code of Ordinances, on 9.667 acres located at 7055 US Highway 281.

3) EXECUTIVE SESSION

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time regarding any item on the agenda for any reason authorized by Chapter 551, Texas Government Code, including but not limited to the following sections:

551.071 – Consultation with attorney

551.072 – Deliberations regarding real property

4) PUBLIC COMMENTS NOT RELATED TO POSTED AGENDA ITEMS

Persons desiring to address the Commission regarding issues not on the agenda will be received at this time. Those wishing to speak should present a completed comment form to the Chair prior to the meeting. Speakers are limited to 3 minutes and should conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the Commission cannot take action on items not listed on the meeting agenda.

5) REPORT BY CITY OFFICIALS AND STAFF ON ITEMS OF COMMUNITY INTEREST

In accordance with Section 551.0415 of the Government Code, topics discussed under this item are limited to expressions of thanks, congratulations or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial or community event; and Announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

6) ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at 830.980.8832 or FAX 830.438.4339 for information or assistance. I, the undersigned authority, do hereby certify that the above Notice of Meeting was posted on the bulletin board in front of Bulverde City Hall, which is readily accessible to the public at all times, by 5:00 pm on November 24, 2021.

Susana Huerta, Planning Director



PLANNING AND ZONING COMMISSION ITEM:
VR-21-12
VARIANCE
Hillside Church

MEETING DATE: November 30, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta, AICP, Planning Director

REQUEST:

Consider a request by Hillside Fellowship Church for a variance to Section 17.04.003, related to Cuts, and Section 17.04.004, related to Fills, of the City of Bulverde Code of Ordinances, on 9.667 acres located at 7055 US Highway 281.

OWNER:

Hillside Fellowship Church
7055 US Highway 281
Spring Branch, TX 78070

APPLICANT:

KFW Engineers
3421 Paesanos Parkway, Ste. 200
San Antonio, TX 78231

PROPERTY INFORMATION:

Address: 7055 US Highway 281
Legal Description: 9.667 acres, Simon Freechilds Survey No. 75, Abstract 153
Owner: Hillside Fellowship Church
Existing Land Use: Undeveloped
Existing Zoning: N/A (ETJ)

SUMMARY:

The applicant, Hillside Fellowship Church, intends to develop a 9.667-acre tract of land into an expansion of an existing church to add a new church building and parking lots behind the existing church complex in the Extra Territorial Jurisdiction (ETJ) of the City of Bulverde.

The City of Bulverde has advised the applicant of the requirements that must be adhered to during the development and construction process, including Chapter 10 (Subdivision Ordinance) and Chapter 17 (Environmental Protection Ordinance). During review of a submitted Development Plat which is administratively reviewed, it was found that proposed cuts and fills would require a variance.

The applicant has decided to move forward with the following variance requests:

Cuts. The applicant is requesting a variance to the cut requirements in Chapter 17, Section 17.04.003 of the Bulverde Code of Ordinances. **The proposed maximum depth of cut exceeds four (4) feet.**

Fills. The applicant is requesting a variance to the fill requirements in Chapter 17, Section 17.04.004 of the Bulverde Code of Ordinances. **The proposed maximum depth of fill exceeds (4) feet.**

The applicant has submitted a written statement for each variance request, which is attached to this staff report. The applicant shall present their case to the Planning & Zoning Commission for consideration during the meeting.

THE GRANTING OF THIS REQUESTED VARIANCE DOES NOT CONSTITUTE APPROVAL OF ANY OTHER VARIANCES WHICH MAY BE DEPICTED IN THE EXHIBITS ATTACHED TO THIS APPLICATION AND REPORT. ANY AND ALL OTHER VARIANCES FROM THE BULVERDE CODE OF ORDINANCES THAT DO NOT INCLUDE THIS REQUESTED VARIANCE WILL BE REQUESTED IN A SEPARATE APPLICATION AND APPROVAL PROCESS.

ANALYSIS:

Cuts. In order to develop the subject property, as shown in the attached exhibits, the applicant is proposing to cut areas of the site that exceed 4 feet in depth (as high as 7 feet). Section 17.04.003 of the City of Bulverde Code of Ordinances defines “cut” as: *the removal of naturally occurring earth material for the purpose of creating a more level building area. Cuts or other excavation associated with the preparation of land for development of lots and public improvements may not exceed four (4) feet in depth.*

Fills. According to the attached exhibits, the applicant is also proposing to fill areas of the site that exceed 4 feet in depth (as high as 8 feet). Pursuant to Section 17.04.004 of the City of Bulverde Code of Ordinances, *fills associated with the preparation of land for development of lots and public improvements may not exceed four (4) feet in depth.*

Halff Associates and City staff reviewed all documents submitted with this variance request. Review comments associated with the requested variance can be found in the attached review memo.

Section 17.04.006, which pertains to relief from cut and fill requirements, provides a variance process in which *a request for cuts or fills greater than eight (8) feet may be approved by the City Council in accordance with Section 1.07 of Chapter 10, Exhibit A, of the City of Bulverde Code of Ordinances.*

AUTHORITY OF THE PLANNING & ZONING COMMISSION:

Section 1.07 of the City of Bulverde Code of Ordinances states:

a) General.

(i) *Variances to the requirements of this ordinance may be granted by the City Council for nonprocedural items provided the City Council determines that undue hardship will result from strict compliance with the ordinance. A variance may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. In granting a variance, the City Council shall prescribe only conditions that it deems necessary to or desirable in the public interest.*

(ii) *In making the findings required herein, the City Council shall take into account the nature of the proposed land use, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the City Council makes affirmative findings as to all of the following:*

1) *That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land;*

2) *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;*

3) *That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and*

4) *That granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.*

ATTACHMENTS:

- A. Application
- B. Development Plat Exhibit
- C. Cut & Fill Exhibits
- D. Half Review Memo



Application for Variance

30360 Cougar Bend, Bulverde, TX 78163
Telephone: 830-438-3612 - Fax: 830-438-4339
www.bulverdetx.gov

Date: 11/15/21

Case No. _____

Applicant Information:

KFW Engineers (Attn: Frank D. Corey)	210-979-8444	210-979-8441
Name	Phone	Fax
3421 Paesanos Pkwy, Ste. 200, San Antonio, TX 78231		fcorey@kfwengineers.com
Address		Email

Property Owner Information:

Hillside Fellowship Church (Attn: Allyn Anderson)	830-228-4673	
Name	Phone	Fax
7055 US Hwy 281, Spring Branch, TX 78070		allyn.anderson@hillsidefellowship.org
Address		Email

** If property owner is not the applicant, a letter of authorization from the owner is required with application submittal.*

Property Identification:

Street Address: 7055 US Hwy 281, Spring Branch, TX 78070

Legal Description: 9.667 ACRE TRACT OF LAND OUT OF THE SIMON FREECHILDS SURVEY NO. 75, ABSTRACT NO. 153, COMAL COUNTY, TEXAS

Zoning District Classification: ETJ

Description of Request:

- Variance to Section 17.04.003 of the City of Bulverde Code of Ordinances, which requires: cuts associated with the preparation of land for development of lots may not exceed four (4) feet in depth.
- Variance to Section 17.04.004 of the City of Bulverde Code of Ordinances, which requires: fills associated with the preparation of land for development of lots may not exceed four (4) feet in depth.
- Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires: _____
- Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires: _____
- Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires: _____

The undersigned agrees to pay the **non refundable** application fee and any other applicable fees as outlined in the Planning and Development Fee Schedule and agrees to pay fees for any additional review requiring consultation with City Consultants, including involvement of a contract engineer in a predevelopment conference. To the extent possible, City Staff will provide the Owner/Applicant with an estimate of fees should outside consultation be required. The undersigned also acknowledges the City Staff may require additional appropriate information be submitted to aid in the review.

_____ 11/16/21
 Signature of Owner/Applicant Date

Fees:

- Zoning and Plat Variance Review Fee - \$750.00 (per Section/Provision of the Code)
- Variance Review Fee (all other Variances)- \$500.00 (per Section/Provision of the Code)

Explanation Form for Section 17.04.003

VARIANCE CRITERIA EXPLANATION FORM

(This Form is required with submittal of a Variance Application. If more than one variance is requested in an application, a separate Variance Criteria Explanation Form shall be required for each Variance. Please include additional pages as necessary.)

- 1) Describe the special circumstances or conditions affecting the land involved such that strict application of the provisions of this ordinance would deprive the reasonable use of the land.

The existing topography of the land drops over 50 vertical feet within the 9.667 acre development plat.
This existing condition precludes building and parking lot construction without exceeding cuts of 4'.
Following the strict application of the provisions of the cut ordinance would deprive reasonable use of the land.

- 2) Describe how the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

This variance is necessary to allow the applicant to construct the proposed building to accommodate the growing congregation. This also benefits the surrounding community through the services this property is expected to provide.

- 3) Describe how granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

The cut this variance grants will not have an adverse effect on the public health and safety of the adjacent properties in the area. The proposed civil and landscape design of the land maintains large areas of trees in the middle of the development. The proposed contours integrate with the existing natural contours next to adjacent property boundary.

- 4) What effect, if any, would the variance have on the orderly subdivision of other land in the area in accordance with the City of Bulverde Code of Ordinances?

This variance would have no adverse effect on other land in the area in accordance with the City of Bulverde Code of Ordinances.

***Note for the Board / Commission:**

The following responses were provided by the applicant and may not be consistent with the Department staff report.

Explanation Form for Section 17.04.004

VARIANCE CRITERIA EXPLANATION FORM

(This Form is required with submittal of a Variance Application. If more than one variance is requested in an application, a separate Variance Criteria Explanation Form shall be required for each Variance. Please include additional pages as necessary.)

- 1) Describe the special circumstances or conditions affecting the land involved such that strict application of the provisions of this ordinance would deprive the reasonable use of the land.

The existing topography of the land drops over 50 vertical feet within the 9.667 acre development plat.

This existing condition precludes building and parking lot construction without exceeding fills of 4'.

Following the strict application of the provisions of the fill ordinance would deprive reasonable use of the land.

- 2) Describe how the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

This variance is necessary to allow the applicant to construct the proposed building to accommodate the growing congregation. This also benefits the surrounding community through the services this property is expected to provide.

- 3) Describe how granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

The fill this variance grants will not have an adverse effect on the public health and safety of the adjacent properties in the area. The proposed civil and landscape design of the land maintains large areas of trees in the middle of the development. The proposed contours integrate with the existing natural contours next to adjacent property boundary.

- 4) What effect, if any, would the variance have on the orderly subdivision of other land in the area in accordance with the City of Bulverde Code of Ordinances?

This variance would have no adverse effect on other land in the area in accordance with the City of Bulverde Code of Ordinances.

***Note for the Board / Commission:**

The following responses were provided by the applicant and may not be consistent with the Department staff report.

REVIEW MEMORANDUM

FROM: Sam Edwards, PE, CFM
sedwards@half.com

SUBJECT: PC-21-20 Hillside Fellowship Church
Development Plat review

DATE: October 14, 2021

Half Associates, on behalf of the City of Bulverde, has reviewed the development plat for the proposed Hillside Fellowship Church expansion off Hwy 281. The review was conducted relative to the requirements established in the current Subdivision Ordinance (SO) of the City of Bulverde (April 13, 2021) and the Bulverde Drainage Design Manual (BDDM). The following items were reviewed, with specific items to be addressed by the applicant before resubmittal. Resolved items are noted in [blue](#).

1. The TIA Worksheet was incomplete. Comments provided on the attached worksheet need a response before we can schedule a scoping meeting. A full TIA report was provided, dated April 2020, and appears to be based on an outdated site plan. Half did review this report, but at first glance, it appears to just contain information needed to support development of the worksheet.
2. Section 4.05 – Cut and Fill Requirements – Cuts and Fills may not exceed 4 feet in depth except for roadways or building footprints. The City Manager may approve cut or fill up to 8 feet provided the following conditions are met:
 - The cut or fill is for the purpose of constructing a water quality control or stormwater detention facility – This does not apply...the cut/fill is for parking areas.
 - The post construction layout is integrated with natural contour lines – This does not apply...the entire site is being regraded and these cut/fill areas do not tie into natural/existing contours lines.
 - BMPs constructed so water quality levels would be the same or better than would result from cut/fill no more than 4 feet – This does not apply...the cut/fill is for parking areas.
3. Section 4.06 – Tree Preservation – Applicant may require a tree removal variance. No calculations were provided to verify how many caliper trees are proposed to be removed vs. how much mitigation is proposed. – [Comment withdrawn...calculations provided on LTP 1.1 were reviewed and follow City's tree mitigation requirements.](#)
4. BDDM Section 4.3.1 – SWMP – the modified rational method cannot be used to determine storage requirements for detention ponds. Please use SCS Unit Hydrograph Method. – [Comment withdrawn...TCEQ has approved the proposed batch detention basins as designed based on modified rational method. Calculations were reviewed and the design appears sufficient to detain runoff to pre-project conditions.](#)

5. Full set of design plans (paving, grading, drainage, retaining walls, etc.) should be provided for City review prior to construction. – [Comment withdrawn...sufficient data has been provided for regulation of trees and drainage.](#)
6. Remove the signature block for the Planning and Zoning Commission and add one for the Planning Director. This plat is administratively reviewed and will not be considered by the Commission unless variances are required.

Additional comments:

7. Add bearing and distance dimension from a corner of the lot to a corner of the original tract or original survey.
8. In addition to the specifications required of final plats, a development plat must be prepared by a surveyor as a boundary survey showing:
 - (1) each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
 - (2) each easement and right-of-way within or abutting the boundary of the surveyed property; and
 - (3) the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.



Sam Edwards, PE, CFM
Halff Associates, Inc.

- CC. Adrian Garcia, PE, CFM – City Engineer, Bulverde
Susanna Huerta, AICP – City Planner, Bulverde
Josh Logan, PE, CFM – Halff Associates Senior Project Manager